Appl. No. 09/778,108
Amdt. Dated March 15, 2005
Reply to Office Action of September 15, 2005

REMARKS/ARGUMENTS

I. Introduction

This Amendment is responsive to the Office Action mailed on September 15, 2005. A petition for a 3-month extension of time is attached so that the due date is to and including March 15, 2006.

In this Amendment, claims 73-91 are canceled, and claims 92-108 are added so that claims 92-108 are pending and subject to examination on the merits. Additionally Fig. 3 is replaced with the new figure. Entry of this Amendment is requested.

Claims 73-91 were rejected under 35 U.S.C. § 102 as being anticipated by Sheynblat et al. (US 6,677,894). Claims 74-84 and 86-91 were rejected under 35 U.S.C. as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 82 and 85-91 were rejected under 35 U.S.C. § 103 as being unpatentable over Sheynblat, and further in view of Pettovello (US 6,449,621). These rejections are moot in view of newly submitted claims 92-108. As explained in detail below, claims 92-108 are patentable over Sheynblat and Pettovello and other prior art of record.

II. New claims 92-108 Are Believed To Be Patentable over the Prior Art

By this amendment, the independent claim 92 provides a description of the application defining the invention as "A method to identify a plurality of wireless terminals with a specified pattern of activity by performing passive tracking of uniquely identifiable network data which may be used to determine the location of wireless terminals, said network data transmitted continuously over regular time intervals from each wireless terminal powered on in the network "

Sheynblat et al.'s abstract discloses a method and apparatus for distribution of location-based information to a client which may a user of a wireless phone. The client is requested to provide information related client's location. This information is transmitted to a Web server in order to determine client's location and furnish information and services relevant to the client's location. Sheynblat et al.'s detailed description section describes one embodiment where web server may use client's location information to derive location/time distributions that may be useful for applications like customer profiling, location-targeted advertising, etc.

Sheynblat et al. fails to teach or suggest a method comprising, inter alia, the step of "extracting from a wireless network "of the claim 92 of the present invention. As explained at pages 15-17 of the present application this step requires monitoring and detecting of specific events which are emitted at equal time intervals by each wireless terminal and transmitted through the wireless network. These events (e.g. periodic registrations) are part of the standard signaling procedure in any wireless network and are useful for 1) determining location of each wireless terminal at equal intervals of time 2) positioning wireless terminals independently on actions of a user of the wireless terminal. I.e. no voice/data communication channel need to be established between the wireless terminal and a phone number/web server/cell site in order to determine location of the

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wireless terminal. The phone can be idle (not engaged in voice or data communication) and still generate periodic registrations. 3) positioning each wireless terminals in the network by extracting all registration events making no assumptions on a specific wireless terminal to monitor. Positioning all terminals allows for isolation of a subgroup of wireless terminals with matching activity patterns at a later step of the claim 92. Sheynblat et al., in C19:L1-14 and C20:L57-C21:L4 indicate a possibility to determine location of the client when the client has established communication with the Web server based on "a particular cell site location, a particular phone number, etc." Sheynblat et al. fails to teach or suggest a method to use standard signalling procedures (e.g. periodic registrations) of the wireless network to passively track all wireless terminals in the network with a predefined frequency as disclosed in the claim 92 of the present application.

Also Sheynblat et al. fails to teach or suggest a method comprising, inter alia, the step of "determining a location of each" of the claim 92 of the present invention. As explained on p. 15-17 of the present application, each wireless terminal is positioned on the basis of network events (e.g. registration events) received continuously at predefined time intervals (e.g. periodic registrations). The result of this step a location track defining position of each wireless terminal in the network at periodic (equal) time intervals. Sheynblat et al., in C15:L21-27 calculates location using GPS data only when the client established communication with the Web server. Sheynblat et al. fails to teach or suggest a method of determining location for each wireless terminal in the network with a predefined frequency.

Also Sheynblat et al. fails to teach or suggest a method comprising, inter alia, the step of "determining each of the plurality" of the claim 92 of the present invention. As explained on p. 24-25 of the present invention, the method identifies each and every wireless terminal whose location history matches a predefined activity pattern (p. 25 frequent skier). Identifying each terminal is only possible due to the fact that position of each wireless terminal is known continuously at predefined time intervals. Sheynblat et al., in C21:L23-37 indicates general usefulness of historical positioning data for different industries e.g. cellular operators, government agencies, advertisers to take advantage of location/time distributions of calls. Sheynblat et al. suggests the use of "the presentations/charts/graphs of cellular use demographics" and general display of location history of "various mobile GPS receivers". Sheynblat et al. fails to teach or suggest a formal procedure for classification of each user of the wireless terminal based on his/her respective location history.

Accordingly, Sheynblat et al. fails to teach or suggest the invention of Claim 92. The dependant claims are patentable for at least the reasons given above and their dependence on patentable independent claims.

III. Support For New Claims
Support for the step of continuous extracting in the claim 92 can be found at least on page 16, lines 15-27 and page 17, lines 15-25, page 20 line 15.

Appl. No. 09/778,108
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Support for "network data transmitted continuously over regular time intervals" as formulated in claim 92 can be found at least from page 15, line 25 through page 16, line 5.

Support for the step of determining a location as formulated in claim 92 can be found at least on page 16, lines 5-20 and from page 19, line 25 through page 20, line 2.

Support for the step of formulating a location history can be found at least on page 5, lines 1-9, page 10 lines 11-17, page 23 lines 14-16.

Support for the step of providing a predetermined pattern of activity as formulated in claim 92, can be found on at least page 25, lines 15-25, page10, lines 21-29

Support for claim 93 and 94 can be found at least on page 25, lines 15-25.

Support for claim 95 can be found at least on page 23, lines 25-29, page 24 lines 1-15, page 25 1-10

Support for claim 96 can be found at least on page 16, lines 5-15.

Support for claim 97 can be found at least on page 5, lines 5-15.
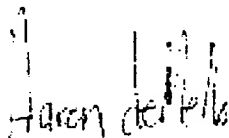
IV. Conclusion

In view of foregoing, Applicants believe all claims now pending in this Application are in condition for allowance, an indication of which is respectfully solicited. If there are any outstanding issues that might be resolved by an interview or an Examiner's amendment, the Examiner is requested to call Applicants at the telephone number shown below.

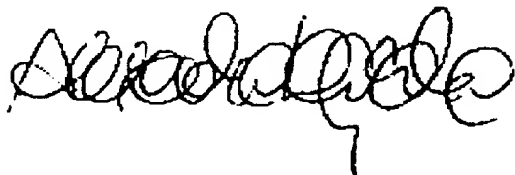Respectfully submitted,
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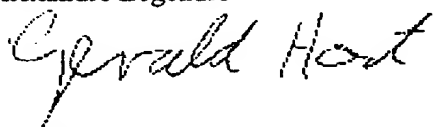Mob: +1.514.815.5017

Appl. No. 09/778,108
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